

1 THE HONORABLE JOHN C. COUGHENOUR

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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 DANIEL KEVIN,

10 Plaintiff,

11 v.

12 JOHN GHAG, *et al.*,

13 Defendants.  
14

CASE NO. C17-1929-JCC

ORDER

15 This matter comes before the Court *sua sponte*. Plaintiff Daniel Kevin filed this *in forma*  
16 *pauperis* complaint on December 27, 2017. (Dkt. No. 1.) Magistrate Judge Brian Tsuchida  
17 granted Plaintiff's motion to proceed *in forma pauperis* and recommended the complaint be  
18 reviewed under 28 U.S.C. § 1915(e)(2)(B) prior to the issuance of a summons. (Dkt. No. 4).  
19 After reviewing the complaint, this Court determined Plaintiff failed to state a claim upon which  
20 relief could be granted and directed him to file an amended complaint within 21 days. (Dkt. No.  
21 6.) Plaintiff failed to file an amended complaint.

22 Pursuant to 28 U.S.C. § 1915(e)(2)(B), the Court must dismiss an *in forma pauperis*  
23 complaint at any time if the action fails to state a claim, raises frivolous or malicious claims, or  
24 seeks monetary relief from a defendant who is immune from such relief. Federal Rule of Civil  
25 Procedure 8 provides that in order to state a claim for relief, a pleading must contain "a short and  
26 plain statement of the grounds for the court's jurisdiction" and "a short and plain statement of the

1 claim showing that the pleader is entitled to relief.” Fed. R. Civ. P. 8(a)(1)–(2). At a minimum,  
2 Rule 8 requires that a complaint must put defendants on notice of what wrongs they committed  
3 against the plaintiff. *See McHenry v. Renne*, 84 F.3d 1172, 1180 (9th Cir. 1996).

4 The Court finds that Plaintiff’s complaint does not contain a short and plain statement of  
5 his claim showing he is entitled to relief. This is true even when the Court applies the Ninth  
6 Circuit’s directive to construe *pro se* complaints liberally. *See Hebbe v. Pliler*, 627 F.3d 338, 342  
7 (9th Cir. 2010). Plaintiff names as defendants “John Ghag, Americas Best Value Inn” and “Greg  
8 Mount, Red Lion.” (Dkt. No. 5 at 1.) Plaintiff alleges that he was harmed when he was “bitten  
9 badly by bed bugs, at this hotel.” (*Id.* at 2.) However, Plaintiff does not allege what hotel this  
10 occurred at or when he was bitten. Nor does Plaintiff allege how the named Defendants—John  
11 Ghag and Greg Mount—caused him to be harmed. Aside from being named as defendants, there  
12 are no factual allegations in the complaint regarding either of the named defendants. (*See* Dkt.  
13 No. 5.) The complaint fails to put Defendants on notice of how they harmed Plaintiff.

14 Although the Court finds the complaint fails to state a claim upon which relief can be  
15 granted, it will not dismiss a claim unless “it is absolutely clear that no amendment can cure the  
16 [complaint’s] defects.” *Lucas v. Dep’t of Corr.*, 66 F.3d 245, 248 (9th Cir. 1995) (citation  
17 omitted). Accordingly, the Court dismisses Plaintiff’s complaint without prejudice. The Clerk is  
18 DIRECTED to close this case and mail a copy of this order to Plaintiff at 1035 E. Vista Way  
19 #141, Vista, CA 92084.

20 DATED this 25th day of January 2018.

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A handwritten signature in black ink, reading "John C. Coughenour", is written over a horizontal line.

John C. Coughenour  
UNITED STATES DISTRICT JUDGE